PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 30915-701601	FOR FURTHER ACTION	See item 4 below	
International application No. PCT/US2004/018380			
International Patent Classification (IPC) or national classification and IPC ⁷ A01N 65/00, A61K 35/78			
Applicant BUI, Can, V.			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).		
2.	This REPORT consists of a total	of 4 sheets, including this cover sheet.	
	In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.		
3.	This report contains indications i	relating to the following items:	
	Box No. I	Basis of the report	
	Box No. II	Priority	
	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	
	Box No. IV	Lack of unity of invention	
	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
	Box No. VI	Certain documents cited	
	Box No. VII	Certain defects in the international application	
	Box No. VIII	Certain observations on the international application	
4.		mmunicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but nakes an express request under Article 23(2), before the expiration of 30 months from the priority	

	Date of issuance of this report 13 December 2005 (13.12.2005)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Agnes Wittmann-Regis
Facsimile No. +41 22 740 14 35	Telephone No. +41 22 338 89 70

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

To: AUBREY A HADDACH PCT	From the INTERNATIONAL SEARCHING AUTH	IORITY			DECID	4 0	MOV	200
WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (day/month/year)	To: AUBREY A. HADDACH			PCT			NUV	-ZUU-
INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (desy/month/year) FOR FURTHER ACTION See paragraph 2 below International application No. International filing date (day/month/year) Priority date (day/month/year) International paper place of the search of	650 PAGE MILL ROAD	SAII	3370	ITTENI ODINIION		TT2		<u>.</u>
Applicant's or agent's file reference 30915-701601 International application No. International filing date (day/month/year) PCT/US04/18300 International application No. International filing date (day/month/year) 10 June 2004 (10.06.2004) International Patent Classification (PC) or both national classification and IPC IPC(7): A01N 65/00; A61K 35/78 and US Cl.: 424/755; 424/725 Applicant CAN V. BUI 1. This opinion contains indications relating to the following items: Box No. II Basis of the opinion Box No. II Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application C. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority (*IPEA*) except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220. 3. For further details, see notes to Form PCT/ISA/220. Name and mailing address of the ISA/US Committee of Tensens P.O. Box 1450 Alexandria, Virginia 22313-1450 Feeb of the Person PCT/ISA/230	PALO ALTO, CA 94306-1050							
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International application No. International filing date (day/month/year) Priority date (day/month/year)	Applicant's or agent's file reference		FOR FURTHER ACTION					
PCT/US04/18380								
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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/18380

Box No. 1	Basis of this opinion
1. With reg	ard to the language, this opinion has been established on the basis of the international application in the language in which
it was file	ed, unless otherwise indicated under this item.
L Th	is opinion has been established on the basis of a translation from the original language into the following language, ich is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With reg	ard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the nvention, this opinion has been established on the basis of:
a. ty	pe of material
	a sequence listing
	table(s) related to the sequence listing
b. fo	rmat of material
	in written format
	in computer readable form
c. tir	ne of filing/furnishing
	contained in international application as filed.
F	filed together with the international application in computer readable form.
	furnished subsequently to this Authority for the purposes of search.
L .	definished subsequently to this Audiority for the purposes of search.
fil	addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been ed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additiona	
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waite (1773)	
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Form PCT/IS	4/237/Rox No. D. (January 2004)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/US04/18380

YES

NO

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-31

YES

Claims NONE

NO

Inventive step (IS)

Claims 1-4,731

YES

Claims 2-2,5-6 1-4 \(\bar{v} \) 6-3 \(1 \) NO

2. Citations and explanations:

Industrial applicability (IA)

Claims 1-4 and 6-31 lack an inventive step under PCT Article 33(3) as being obvious over Xiong et al. in view of Iwai.

Claims NONE

Claims 1-31

Xiong et al. disclose the use of Brassica oleracea (cabbage), Daucus carota (carrot), Apium graveolens (celery), Petroselinum crispum (parsley), Spinacia oleracea (spinach), aloe vera, Lycopersicon esculentum (tomato), Citrullus vulgaris (watermelon) and Citrus aurantifolia (lime) (claims 18, 23 and 25) in a composition that is dispensed in tablet or granular form to impart health benefits.

Iwai discloses a health drink that contains root crops (carrots, beets), citrus fruits (lime) and honey to be effective in health disorders, such as liver disorders and pernicious tumors.

One would have been motivated to combine the ingredients in order to create on composition with the additive effect of health benefits.

Although none of the references taught the claimed ranges of individual component amounts, variations of components in nutritional compositions were well known in the art. One of ordinary skill in the art would have been motivated to have modified the proportions of active ingredients in the composition in order to enable the content of the preparation to be matched with the demands and needs of individuals which needed treatment. Such variations in amounts of pharmaceutically active ingredients are considered merely optimization of result variables, conventional practice in the art of health food preparation.

Claims 1-31 meet the criteria set out in PCT Article 33(2), because the prior art does not explicitly teach the claimed invention.

Claim 5 meets the criteria set out in PCT Article 33(3), because the prior art does not teach or fairly suggest the use of Cymbopogon sp.

Claims 1-31 meet the criteria set out in PCT Article 33(4), and have industrial applicability because the subject matter claimed can be made or used in industry.